

Serial No 09/196,338  
In reply to Office Action mailed May 5, 2004  
Page 6 of 9

### REMARKS/ARGUMENTS

Claims 1, 10, 11, 20, 22, and 24 are pending in this application. Claims 1, 10, and 11 have been amended to address the formatting therein. For at least the reasons stated below, Applicants assert that all claims are in condition for allowance.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 10, 11, 20, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bergh et al.* (U.S. Patent No. 6,112,186), in view of *Sumita et al.* (U.S. Patent No. 5,907,836). The cited references, each alone or in combination, do not teach or suggest all the claim limitations as required by MPEP § 2143. Therefore, this rejection is unsupported by the art and Applicants respectfully request that Examiner withdraw the § 103 rejection.

The present invention generally provides for a method of reporting rating information including the steps of:

- providing a database that stores a plurality of user profiles corresponding to a plurality of users, wherein each user profile comprises a set of personal information data, wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service; wherein the product/service rating data is stored in the user profiles in the database corresponding to the first subset of users;
- receiving from a requesting user a request for rating information for a desired product/service, wherein the requesting user is one of the plurality of users;
- identifying a first set of user profiles, wherein each of the users associated with the first set of user profiles has previously submitted product/service rating data for the desired product/service;
- mapping the personal information data in the first set of user profiles along multiple dimensions to the personal information data in the user profile of the requesting user;
- filtering the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a predetermined number of user profiles, such that the second set of user profiles includes those profiles that most closely mapped to the user profile of the requesting user along multiple dimensions;
- determining whether the second set of user profiles is sufficiently similar to the user profile of the requesting user to satisfy a predetermined conformity requirement;
- repeating the filtering and determining steps if the second set of user profiles is not determined to be sufficiently similar to the user profile of the requesting user, wherein the predetermined conformity requirement is relaxed;
- creating a set of rating information from product/service rating data from the database for the desired product/service, wherein the set of rating information is from the second set of user profiles; and
- reporting the set of rating information to the requesting user.

Because the *Bergh* and *Sumita* references do not teach or suggest every element of every claim, Applicants respectfully request that Examiner's § 103 rejections be withdrawn.

Serial No 09/196,338  
In reply to Office Action mailed May 5, 2004  
Page 7 of 9

The References Fail to Teach or Suggest Two Distinct Steps: Identifying a First Set of User Profiles and Filtering The First Set of User Profiles

The present claimed invention recites, *inter alia*, two distinct steps: (1) identifying a first set of user profiles of users who *previously* rated a product/service, and (2) filtering that first set of user profiles to create a second set of user profiles. Claims 1, 10, and 11 recite, "identifying a first set of user profiles, wherein each of the users associated with the first set of user profiles has previously submitted product/service rating data for the desired product/service...[and] filtering the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a predetermined number of user profiles."

Specifically, the first set of user profiles that is used to create the second set of user profiles is identified such that the users of the first set of profiles "*previously* submitted product/service rating data for the desired product/service." In other words, it is not just any set of profiles that is filtered to create the second set of user profiles, but rather it is a specific set of profiles associated with users who have already rated a product or service. *Bergh* and *Sumita* fail to teach or suggest at least this limitation, as required by MPEP § 2143.

In the Office Action dated May 5, 2004, Examiner asserts that "*Bergh* teaches...identifying a first set of user profiles from the subset of users which have previously submitted rating data for the desired product/service...[and] filtering the first set of profiles to create a second set of a predetermined number of profiles..." However, a thorough reading of *Bergh* clearly demonstrates that the "first set of user profiles" allegedly described as being "identified" in the one case is completely distinct from the "first set of user profiles" allegedly described as being "filtered" in the other case.

Examiner asserts that *Bergh* teaches filtering a first set of profiles to create a second set of profiles at Col. 10, lines 35-45. For example, *Bergh* describes a similarity factor "used to select a plurality of users that have a high degree of correlation to a user...A user may be selected as a neighboring user if that user's similarity factor with respect to the requesting user is better than a predetermined threshold value, L." Col. 10, lines 27-46.

However, in order for this disclosure of *Bergh* to teach or suggest the claimed "filtering" step, the group of users from which "neighbors" are selected would have to have previously submitted product or service rating data on the product or service about which the requesting user is inquiring, as recited in the claimed "identifying" step. Instead, *Bergh* does not teach or suggest any

Serial No 09/196,338

In reply to Office Action mailed May 5, 2004

Page 8 of 9

such requirement that the "filtered" neighbor users have "previously submitted product/service rating data for the desired product/service" as claimed.

Where *Bergh* allegedly teaches identifying a first set of user profiles, the reference clearly is not addressing the same "first set of user profiles" that are subsequently filtered as claimed. For instance at col. 6, lines 33-48, *Bergh* describes retrieving the profiles of all users that have specific ratings for a particular item. However, there is no teaching or suggestion that the profiles retrieved based on their previous rating of a particular item are the same profiles that are subsequently filtered to prepare a report on that item as claimed.

Similarly, at col. 8, lines 11-28, *Bergh* describes updating the similarity factors between "the user and other users" based on the users' profiles when "a user's profile is updated with new rating-item n-tuple." However, this comparison between the "the user and other users" is clearly intended to compare users who have all rated a common item; this is distinct from the present claimed invention where the "identifying step" does not take into account whether the users have rated a common item. Mapping the closeness between users and establishing conformity therebetween in the present invention is recited in distinct steps, namely the "filtering" and the "determining" steps, not the "identifying" step. Indeed, this disclosure of *Bergh* plainly teaches away from the present claimed invention: the claimed method for reporting rating information provides the user with a report for a product/service the users wants to learn more about, not one which the user has already rated. Examiner further cites *Bergh* at col. 12, lines 20-25 as teaching or suggesting the "identifying" step. Again, it is clear from this citation that *Bergh* is comparing users who have rated a common item in order to calculate a similarity factor. ("Once the users that have previously rated the item are determined, each of their user profiles must be accessed so that the similarity factor between the newly-rating user and each of the previously-rating users can be calculated.")

Accordingly, it is evident that the "first set of user profiles" allegedly described by *Bergh* as being "identified" is completely distinct from the "first set of user profiles" allegedly described by *Bergh* as being "filtered." Where *Bergh* allegedly teaches the "identifying" step, the reference describes identifying other users that have rated an item in common with the "requesting user." Such identification does not teach or suggest the present claimed invention where the "requesting user" is seeking information about items with which he is not yet familiar.

It is not enough that the references *may* teach some of the individual elements of the claimed invention; these teachings must be accompanied by a suggestion or motivation to combine or modify these elements to achieve the claimed invention, as required by MPEP § 2143. Such suggestion or motivation are not only absent in the cited references, but Examiner has not provide any evidence to

Serial No 09/196,338  
In reply to Office Action mailed May 5, 2004  
Page 9 of 9

modify these various teachings or *Bergh*. Additionally, the *Sumita* reference, which was cited by Examiner as allegedly teaching the "repeating" step, is directed towards changing search retrieval conditions, *see* Col. 56, but does not rectify the shortcomings of the *Bergh* reference with respect to the "identifying" and "filtering" steps.

Finally, even assuming *arguendo* that the "identifying" and "filtering" steps are taught or suggested by *Bergh*, the profiles collected in those steps are not used to create and report a set of rating information to the requesting user about the product or service of interest as claimed. Rather, *Bergh* teaches recommending products to the user without a request: "Once weights are assigned to the neighboring users, an item is recommended to a user." Col. 11, lines 55-56.

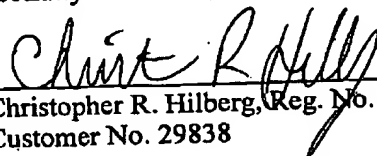
For at least these reasons, the cited references fail to teach or suggest every element of claims 1, 10, 11, 20, 22, and 24, and Applicants respectfully request that Examiner's § 103 rejections be withdrawn.

### CONCLUSION

Applicants submit that all pending claims are now allowable and respectfully request that a Notice of Allowance be issued in this case. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the undersigned can be reached at the telephone number listed below.

Should any additional fees be necessary, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference #60021-302901).

Respectfully submitted,

By   
Christopher R. Hilberg, Reg. No. 48,740  
Customer No. 29838

**Oppenheimer Wolff & Donnelly, LLP**  
45 South Seventh St.  
Plaza VII, Suite 3300  
Minneapolis, MN 55402-1609  
Telephone: 612-607-7386  
Facsimile: 612-607-7100  
E-mail: CHilberg@oppenheimer.com